

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

CARLTON RALPH CARTER,	)	
Register No. 169795,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 05-4091-CV-C-NKL
	)	
C.O. 1 LINDA BOWERS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On November 30, 2005, the United States Magistrate Judge recommended that defendant Bowers'<sup>1</sup> motion of June 24, 2005, to dismiss the claims against her be granted. The Magistrate Judge further recommended that plaintiff's claims against the John Doe defendants be dismissed, pursuant to Fed. R. Civ. P. 4(m), and this case be closed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that defendant Bowers' motion of June 24, 2005, to dismiss the claims against her is granted [9]. It is further

---

<sup>1</sup>The court notes the Magistrate Judge's Report and Recommendation sometimes refers to defendant Bowers as defendant "Carter," but it is clear from the Report and Recommendation that the Magistrate Judge intended to recommend that defendant Bowers' motion to dismiss be granted.

ORDERED that plaintiff's claims against the John Doe defendants are dismissed, pursuant to Fed. R. Civ. P. 4(m), and that this case is closed.

/s/

---

NANETTE K. LAUGHREY  
United States District Judge

Dated: January 23, 2006  
Jefferson City, Missouri